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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/665,564
Filing Date: September 22, 2003
Appellant(s): DEGENARO ET AL.

Sam S. Sahota (Reg. No. 47,051)
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04 April 2011 appealing from the Office

action mailed 03 November 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application: claims 1-37

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of

rejection to be reviewed on appeal. Every ground of rejection set forth in the Office

action from which the appeal is taken (as modified by any advisory actions) is being

maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are

provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in

the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2005/005261   SEVERIN   10-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

2.   Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Severin

(U.S. 2005/0005261).

As per claims 1, 14, 27, 31, and 32, Severin teaches a method of claim 1

(Abstract), a system of claim 14 (Abstract), a system of claim 27 (abstract), a method of

claim 31 (Abstract), and a computer-readable medium of claim 32 (Figure 5) of developing

actual resources without alteration into a collection of virtual resources customized to a

particular audience, said method comprising:

constructing at least one virtual resource independent of an actual resource (i.e.

constructs a virtual model implementation. The Examiner notes that the virtual model includes a virtual

resource, which is independent from an actual resource, where a virtual host includes a virtual

resource.)(paragraph [0248; 0550]);

storing the virtual resource independent of an actual resource (i.e. virtual resources

are stored in a database)(paragraphs [0248, 0437]);

connecting the actual resource to the at least one virtual resource (i.e. Component

Integration Engine (CIE) are a logical grouping of resources (i.e. virtual resource) that is configured to

shared resource (i.e. actual resource) at run-time)(paragraphs [0410-0413]);

retrieving the at least one virtual resource (i.e. retrieving data record stored in a virtual

instance)(paragraph [0257]);

extracting at least one descriptor (i.e. descriptor contains the descriptions of features and

functionality allowed and required in an implementation. It is a specific type of metadata)(paragraph

[0049]) from said at least one retrieved virtual resource (i.e. Extract Transform Load tool

provides the ability to extract data from a data source)(paragraph [0438]);

wherein said virtual resource comprises a resource utilized at a logic authoring

time (i.e. virtual implementation using logic-based program.)(paragraphs [0079, 0250]) while said

actual resource comprises a resource utilized at a runtime (i.e. run-time)(paragraphs [0411-

0412]).

As per claim 2 teaches a method of claim 2 (Abstract) wherein said connecting

comprises directly mapping the at least one actual resource to the at least one virtual

resource (i.e. mapping the meta-implementation between a virtual resource and an actual

resource)(paragraph [0079]), and

wherein the constructing the at least one virtual resource comprises including

constraints upon the virtual resources without altering the actual resources (i.e. "...The

model controller can be substituted without requiring any changes to the model, allowing complete reuse

of a single property or a set of properties...")(page 23).

As per claims 3 and 16, Severin teaches a method of claim 3 (Abstract), a system

of claim 16 (Abstract) wherein the constructing comprises at least one of: renaming a

method (i.e. methods)(paragraph [0084]); hiding a method (paragraph [0084]); composing a

method (paragraph [0084]); renaming an attribute (i.e. attribute)(paragraph [0084]); hiding an

attribute (paragraph [0084]); composing an attribute (paragraph [0084]); assigning to at least

one domain (i.e. domains)(paragraph [0409]); designating as a collection; assigning to at

least one validator (i.e. data validation)(paragraph [0089]); assigning a description (paragraph

[0009]); designating as at least one of ready and not ready; and assigning a last modified

date and time (paragraph [00410]).

As per claims 4, 8, 17 and 21, Severin teaches a method of claim 4 and 8

(Abstract), a system of claim 17 and 21 (Abstract), wherein said at least one virtual

resource comprises a plurality of virtual resources and said virtual resources are

connected to each other through a relationship carrying semantic that can be leveraged

by a consumer of resources, said method further comprising:

constructing at least one virtual relationship between at least two virtual

resources (i.e. constructs a virtual model implementation. The Examiner notes that the virtual model

includes a virtual resource, which is independent from an actual resource, where a virtual host includes a

virtual resource.)(paragraph [0248; 0550]);

coupling at least one actual relationship implementor to at least one virtual

relationship;

performing at least one retrieval of a virtual relationship (i.e. retrieving data record

stored in a virtual instance)(paragraph [0257]); and

extracting at least one descriptor (i.e. descriptor contains the descriptions of features and

functionality allowed and required in an implementation. It is a specific type of metadata)(paragraph

[0049]) from at least one retrieved virtual relationship (i.e. Extract Transform Load tool provides

the ability to extract data from a data source)(paragraph [0438]).

As per claims 5, 18, and 22, Severin teaches a method of claim 5 (Abstract), a

system of claim 18 and 22 (Abstract) wherein said coupling comprises: directly mapping

said at least one actual relationship implementor to said at least one virtual relationship

(paragraphs [0258, 0279, 0410]).

As per claims 6, 10 19, and 23, Severin teaches a method of claim 6 and 10

(Abstract), a system of claim 19 and 23 (Abstract) wherein the relationship constructing

comprises at least one of: assigning a root virtual resource name; assigning a target

virtual resource name; assigning a relationship name; assigning a relationship type;

assigning a description; assigning a target instance naming scheme; designating as at

least one of ready and not ready; and assigning a last modified date and time (The

Examiner notes that the claimed limitations are an intended use of constructing and therefore are

encompassed in the teachings of constructors.).

As per claims 7, 12, 20 and 25, Severin teaches a method of claim 7 and 12

(Abstract), a system of claim 20 and 25 (Abstract) wherein the retrieving comprises locating

virtual relationships by at least one of: a domain; a name; a root; a type; and a target

(The Examiner notes that the claimed limitations are an intended use leveraging virtual relationship and

are encompassed in the teachings of virtual implementation.).

As per claim 9, Severin teaches the method wherein information constructing the

at least one virtual resource includes data independent from the actual resource; the

method further comprising: selectively manipulating the retrieved virtual resource by updating or deleting at least a portion of the retrieved virtual resource; and authoring the virtual resource into a logic code stored and executable by the computer to generate a second actual resource from the virtual resource (The Examiner notes that the claimed limitations are an intended use of constructing and therefore are encompassed in the teachings of constructors.).

As per claims 11 and 24, Severin teaches a method of claim 11 (Abstract), a system of claim 24 (Abstract) wherein the retrieving comprises locating virtual resources by at least one (i.e. mapping the meta-implementation between a virtual resource and an actual resource)(paragraph [0079]).

As per claims 13 and 26, Severin teaches a method of claim 13 (Abstract), a system of claim 26 (Abstract), wherein descriptor validator information is employed to limit actual resource usage (The Examiner notes that the claimed limitations are features that have been addressed in the independent claims and therefore addressed.).

As per claim 15, Severin teaches, a system of claim 15 (Abstract) wherein said connecting comprises directly mapping the at least one actual resource to the at least one virtual resource (i.e. mapping the meta-implementation between a virtual resource and an actual resource)(paragraph [0079]).

As per claim 28, Severin teaches a system further comprising: analyzing a requirement for actual resource usage, to provide said user requirements analysis (The Examiner notes that the claimed limitations are features that have been addressed in the independent claims and therefore addressed.).

As per claim 29, Severin teaches a system further comprising: defining at least one virtual relationship between at least two virtual resources(i.e. mapping the meta-implementation between a virtual resource and an actual resource)(paragraph [0079]).

As per claim 30, Severin teaches a system wherein at least one of a virtual resource and a virtual relationship is utilized to create an application program (paragraphs [0410-0413]).

As per claim 33, Severin teaches a method of developing actual resources without alteration into a collection of virtual resources customized to a particular audience, said method comprising:

constructing at least one virtual resource independent of an actual resource(i.e. constructs a virtual model implementation. The Examiner notes that the virtual model includes a virtual resource, which is independent from an actual resource, where a virtual host includes a virtual resource.)(paragraph [0248; 0550]); and

providing in the at least one virtual resource a structured meta-data layer which contains semantic information for leveraging by a consumer of the virtual resources (i.e. Component Integration Engine (CIE) are a logical grouping of resources (i.e. virtual resource) that is configured to shared resource (i.e. actual resource) at run-time)(paragraphs [0410-0413]), wherein

said virtual resource comprises a resource utilized at a logic authoring time (i.e. virtual

implementation using logic-based program.)(paragraphs [0079, 0250]) and said actual resource

comprises a resource utilized at a runtime (i.e. run-time)(paragraphs [0411-0412]).

As per claim 34, Severin teaches a method wherein said semantic information

includes relationships with agreed upon semantics including any of "related-to,"

"contains," and "is-conflicting-with," between entities (The Examiner notes that the claimed

limitations are an intended use of constructing and therefore are encompassed in the teachings of

constructors.).

As per claim 35, Severin teaches a method wherein said semantic information

allows any of making new resources manipulation operations available to logic

authoring tools and services as an input to a conflict detection tool (The Examiner notes that

the claimed limitations are an intended use of logic authoring tools.) , and

wherein the a common layer is provided to resource utilizing tools comprising the

logic authoring tool to directly access the virtual resource (i.e. "...The model controller can be

substituted without requiring any changes to the model, allowing complete reuse of a single property or a

set of properties...")(page 23).

As per claim 36 and 37, Severin teaches a method further comprising:

creating at least one virtual resource instance (i.e. constructs a virtual model

implementation. The Examiner notes that the virtual model includes a virtual resource, which is

independent from an actual resource, where a virtual host includes a virtual resource.)(paragraph [0248;

0550]);

assigning an identity to the at least one virtual resource instance(i.e. Component

Integration Engine (CIE) are a logical grouping of resources (i.e. virtual resource) that is configured to

shared resource (i.e. actual resource) at run-time)(paragraphs [0410-0413]); and

associating the at least one virtual resource instance with one virtual

resource(paragraphs [0410-0413]).

(10) Response to Argument

(1) Appellant notes that it does not appear that the disclosure in the publication

document of Severin '261 is fully supported by the provisional application, Severin '251.

The Examiner disagrees. The non-provisional application is supported in its

entirety by the provisional application Severin '251. According to *MPEP 307*, If an

application which claims the earlier filing date of a provisional application includes only

subject matter which formed a part of the provisional application, an assignment

recorded against the provisional with be effective in the later application.

(2) Appellant notes that Severin '261 cannot be used as a reference since it has

a later U.S. filing date than the present Application.

The Examiner disagrees. According to *MPEP 901.03*, a U.S. patent application

publications are prior art under 35 U.S.C. 102(e) as of the *earliest effective U.S. filing*

date of the published application. Ergo, the earliest effective filing date of Severin '261 is

that of the provisional application filed July 2, 2003. The present application was filed 22

September 2003 and therefore, Severin '261 serves as a bona fide prior art under 34

U.S.C. 102(e).

          (3) The cited art does not teach or suggest constructing at least one virtual

resource independent of an actual resource.

          The Examiner disagrees. The cited art teaches constructing (i.e. constructs.

Furthermore, the Examiner finds support for construction in the provisional application, see page 6, which

defines a constructor as a set of programming logic associated with the creation of an instance. This

concept is consistent with Appellant's disclosure, see page 14, lines 17-20, which describe constructing

as to allow authoring of logic by a non-programmer or the like.)(paragraph [0248]) at least one virtual

resource independent (a virtual model implementation. In addition, the Examiner finds support for a

virtual model implementation as a model controller on page 24 of the provisional application. The

Examiner notes that in Appellant's disclosure, see page 14, lines 22-25, resources are a loose term which

in this context means data (e.g, databases, objects, attributes, etc.) or function (e.g. SQL queries, object

method calls, etc.. Based on this rationale, Severin discloses virtual implementation refers to assemblies

of meta-implementation (including other virtual implementation for a specific descriptor), where virtual

implementation may use a plain object oriented implementation.)(Paragraphs [0078, 0196, 0248]) of an

actual resource (i.e. Severin discloses that during real implementation, or at run-time virtual resources

are assigned to each descriptor . The Examiner finds support for actual resource in the view controller of

the provisional application, see page 25.)(paragraph [0198, 0248, 0550]).

(4) The cited art does not teach or suggest connecting the actual resource to the at least one virtual resource.

The Examiner disagrees. The cited art teaches connecting (i.e. Severin discloses creating connection between objects (e.g. virtual and actual) dynamically at run-time.)(paragraph [0523]) the actual resource to the at least one virtual resource (i.e. virtual resources are stored in a database. The Examiner finds support in the Provisional Application, see page 23, second paragraph, 'interaction between components...")(paragraphs [0248, 0437]).

(5) The cited art does not teach or suggest extracting at least one descriptor from said at least one retrieved virtual resource, wherein said virtual resource comprises a resource utilized at a logic authoring time, while said actual resource comprises a resource utilized at a run time.

The Examiner disagrees. The cited art teaches extracting at least one descriptor from said at least one retrieved virtual resource (i.e. descriptor contains the descriptions of features and functionality allowed and required in an implementation. It is a specific type of metadata)(paragraph [0049]), wherein said virtual resource comprises a resource utilized at a logic authoring time (i.e. virtual implementation using logic-based program.)(paragraphs [0079, 0250]), while said actual resource comprises a resource utilized at a runtime (i.e. Severin discloses that at run time model substitution, object substitution, functional substitution, and data substitution occurs at run-time. The Examiner also finds support for runtime in the Provisional Application, see at least pages 20-21.)(paragraphs [0089-0092, 0411-0412, 0523]).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Farhan M Syed/
Examiner, Art Unit 2165
April 18, 2011

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